**IN THE HIGH COURT OF BOMBAY AT GOA.**

**CIVIL APPLICATION NO.100 OF 2005**
**IN**
**APPEAL FROM ORDER NO.74 OF 2004**

Smt. Serina alias Severian Fernandes
and others. ... Applicants.

V/s

Mrs. Gulabi Janardana Dhargalkar
and others. ... Respondents.

Mr. N. Costa Frias, Advocate for the applicants.

Mr. A.D. Bhobe, Advocate for the respondents.

**CORAM: A.P. LAVANDE J.**

**DATE: 27TH APRIL, 2005.**

**ORAL ORDER**

Heard Mr. Frias for the applicants and Mr. Bhobe for the respondents.

2. By this application the applicants who are the plaintiffs in the Trial Court seek injunction against the respondents who are the defendants in the Trial Court from cutting down the cashew trees and carrying out any construction/development in the suit property. It is admitted position that the respondents herein have sought injunction against the applicants before the Trial Court which is pending disposal and I am informed that the arguments on the application for injunction of the respondents

herein before the Trial Court are fixed on 30.4.2005. It is therefore just and proper that until the application for injunction filed by the respondents herein to be decided by the Trial Court, the respondents be restrained from cutting down the cashew trees and carrying out any construction in the suit property. It is also just and proper to direct the applicants herein to maintain status quo in respect of the suit property till the application for injunction filed by the respondents herein before the Trial Court is decided.

3. Accordingly, the respondents are restrained from cutting cashew trees and carrying out any construction in the suit property till the Trial Court decides the application for injunction filed by the respondents herein. The applicants are also directed to maintain status quo in respect of the suit property till the application for injunction filed by the defendants/respondents is decided by the Trial Court. It is made clear that the Trial Court shall decide the application for injunction filed by the respondents herein without being influenced by the observations made in this order. The application stands disposed of in the aforesaid terms.

A.P. LAVANDE, J.

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